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### **REMARKS**

The present Amendment and Response is intended to be fully responsive to all points of objection and/or rejection raised by the Examiner and is believed to place the application in condition for allowance. Favorable reconsideration and allowance of the application is respectfully requested.

### **Status of Claims**

Claims 1-47 are pending in the application. Claims 1-47 have been rejected. Claims 1-23, 25, 27-30, 32, 33, 35, and 37-47 have been amended. New claims 48-52 have been added. Applicant respectfully asserts that the amendments to the claims add no new matter.

New claims 48-52 have been added in order to further define what the Applicant considers to be the invention.

### **Interview Summary**

Initially, Applicant wishes to thank Examiner Jonathan M. Foreman and Examiner Charles Marmor for granting and attending the telephonic interview on June 7, 2004 with Applicant's representative, Caleb Pollack, Reg. No. 37,912, attorney of record for Applicant, and Rachel Bentov, a representative of Applicant's assignee.

Applicant's representatives discussed with the Examiners proposed draft claim amendments. Applicant's representatives also discussed with the Examiners prior art cited by the Examiner in the subject office action, particularly U.S. Pat. No. 6,330,464 to Colvin, Jr. et al. Applicant's representatives and the Examiners agreed on claim amendments that overcame the prior art rejections of record. The amendments submitted in this Amendment and Response include, inter alia, the agreed upon claim amendments.

### **DRAWINGS**

The Examiner requested that the proposed drawing correction submitted in Applicant's previous Response be submitted with this Amendment and Response. The

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drawing correction (discussed in Applicant's previous Response), consisting of one sheet of drawings, is attached hereto.

## **CLAIM REJECTIONS**

### **35 U.S.C. § 102 Rejections**

In the Office Action, the Examiner rejected claims 1-3, 5, 6, 15, 22, 27, 28 and 43-46 under 35 U.S.C. § 102(e), as being anticipated by U.S. Pat. No. 6,330,464 to Colvin, Jr. et al. ("Colvin"). Applicant respectfully traverses the rejections of claims 1-3, 5, 6, 15, 22, 27, 28 and 43-46 under 35 U.S.C. § 102(e), as being anticipated by Colvin in view of the remarks that follow.

During the June 7 interview, the Examiners and Applicant's representatives agreed on amendments that would overcome the rejection over Colvin. These amendments are reflected in the amendments to the claims, above.

Applicant's independent claims 1, 22 and 43 as amended, include, inter alia, "at least one capillary for containing a sample". Applicant's independent claim 27, as amended, includes, inter alia, using "a capillary that is configured in an autonomous device capable of passing through a body lumen". Colvin does not disclose an autonomous device with a capillary or the use of a capillary, as is variously recited in Applicant's independent claims 1, 22, 27 and 43, as amended. In order for a reference to anticipate a claim under 35 U.S.C. § 102(e), the reference must teach each and every element of the claim being rejected. Applicant asserts that Colvin does not teach every element of the Applicant's independent claims 1, 22, 27 and 43, as amended. Applicant therefore asserts that independent claims 1, 22, 27 and 43, as amended are not anticipated by Colvin. Applicant respectfully requests that Examiner withdraw the rejection of independent claims 1, 22, 27 and 43, as amended, as being anticipated by Colvin.

As discussed, Applicant's independent claims 1, 22, 27 and 43 are allowable. Each of dependent claims 2-3, 5-6, 15, 28 and 44-46 depend, directly or indirectly, from one of independent claims 1, 22, 27 and 43, as amended, and thereby include all of the elements of one of these claims. Therefore, Applicant respectfully asserts that dependent claims 2-3, 5-6,

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15, 28 and 44-46 are likewise allowable and requests that the Examiner withdraw his rejection of dependent claims 2-3, 5-6, 15, 28 and 44-46 as being anticipated by Colvin.

### **35 U.S.C. § 103 Rejections**

In the Office Action, the Examiner rejected claims 4 and 47 under 35 U.S.C. § 103(a) as being unpatentable over Colvin in view of U.S. Pat. No. 4,817,632 to Schramm.

Applicant respectfully traverses the rejection of claims 4 and 47 under 35 U.S.C. § 103(a) as being unpatentable over Colvin in light of Schramm.

As discussed above, Colvin does not teach all the elements of either claims 1 or 43, as amended. Schramm does not cure the deficiencies of Colvin; for example, Schramm does not teach a capillary. Since dependent claim 4 depends from claim 1, as amended, and includes all of the elements of claim 1, as amended, Applicant asserts that dependent claim 4 is allowable. Since dependent claim 47 depends from claim 43 and includes all of the elements of claim 43, as amended, Applicant asserts that dependent claim 47 is allowable.

Thus Applicant respectfully requests that the rejection of claims 4 and 47 under 35 U.S.C. § 103(a) as being unpatentable over Colvin in light of Schramm be withdrawn.

In the Office Action, the Examiner rejected claims 1-2, 7-18, 21-38 and 40-46 under 35 U.S.C. § 103(a) as being unpatentable over WO 01/53792 A2 to Meron et al. ("Meron") in view of U.S. Pat. No. 6,330,464 to Colvin.

Applicant respectfully traverses the rejection of claims 1-2, 7-18, 21-38 and 40-46 under 35 U.S.C. § 103(a) as being unpatentable over Meron in light of Colvin.

As discussed above, during the June 7 interview, the Examiners and Applicant's representatives agreed on amendments that would overcome the rejections over the prior art of record, and these amendments are reflected in the amendments to the claims herein.

Applicant has amended independent claims 1, 22-23, 25, 38 and 43 to include inter alia "at least one capillary for containing a sample". Applicant has amended independent claim 21, to include inter alia "at least one capillary for containing an endo-luminal sample". Applicant has amended independent claim 27 to include inter alia "receiving an endo-luminal sample in a capillary". Applicant has amended independent claims 32, 35 and 37 to include

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inter alia "receiving a sample from the GI tract in a capillary". Applicant has amended independent claims 40 and 42 to include inter alia "at least one capillary that is configured in an autonomous device". Applicant asserts that neither Meron nor Colvin, alone or in combination, teach or suggest a capillary or the use of a capillary as is required in the Applicant's independent claims 1, 21-23, 25, 27, 32, 35, 37-38, 40 or 42-43, as amended.

An obviousness rejection requires a teaching or a suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Since neither Meron nor Colvin, alone or in combination, teach or suggest all the elements of any of claims 1, 21-23, 25, 27, 32, 35, 37-38, 40 or 42-43, as amended, neither Meron nor Colvin, alone or in combination, render any of claims 1, 21-23, 25, 27, 32, 35, 37-38, 40 or 42-43 obvious.

As discussed, claims 1, 21-23, 25, 27, 32, 35, 37-38, 40 and 42-43, as amended, are allowable. Since each of dependent claims 2, 7-18, 24, 26, 28-31, 33-34, 36, 41, and 44-46 depend directly or indirectly from one of claims 1, 21-23, 25, 27, 32, 35, 37-38, 40 and 42-43, as amended, and include all of the elements of one of these claims, Applicant asserts that these dependent claims are likewise allowable.

Thus Applicant respectfully requests that the rejection of claims 1-2, 7-18, 21-38 and 40-46 under 35 U.S. 103(a) as being unpatentable over Meron in light of Colvin be withdrawn.

In the Office Action, the Examiner rejected claims 19, 20, 38 and 39 under 35 U.S. 103(a) as being unpatentable over U.S. Pat. No. 6,330,464 to Colvin in view of WO 01/53792 A2 to Meron.

Applicant respectfully traverses the rejection of claims 19, 20, 38 and 39 under 35 U.S. 103(a) as being unpatentable over Colvin in light of Meron.

As discussed above, during the June 7 interview, the Examiners and Applicant's representatives agreed on amendments that would overcome the rejections over the prior art, and these amendments are reflected herein.

Applicant has amended independent claim 19 to include inter alia "two capillaries for containing a sample while in vivo". Applicant has amended independent claim 38 to include inter alia "at least one capillary for containing a sample". Applicant asserts that neither

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Colvin nor Meron, alone or in combination, teach or suggest, "two capillaries for containing a sample while in vivo", or "at least one capillary for containing a sample", as is required in Applicant's independent claims 19 and 38, as amended.

As obviousness rejection requires a teaching or suggestion by the relied upon prior art of all the elements of a claim (M.P.E.P. §2142). Since neither Colvin nor Meron, alone or in combination, teach or suggest all the elements of either of claims 19 or 38, as amended, neither Colvin nor Meron, alone or in combination, render either of claims 19 or 38 obvious.

As discussed, claims 19 and 38 are allowable. Since dependent claim 20 depends directly or indirectly from claim 19, as amended, and includes all of the elements of claim 19, Applicant asserts that dependent claim 20 is allowable. Since dependent claim 39 depends directly or indirectly from claim 38 and includes all of the elements of claim 38, Applicant asserts that dependent claim 39 is allowable.

Thus Applicant respectfully requests that the rejection of claims 19, 20, 38 and 39 under 35 U.S. 103(a) as being unpatentable over Colvin in light of Meron be withdrawn.

#### **New Claims**

Applicant has added new claims 48-52 to clarify what Applicant regards as the invention.

With regard to new claims 48-52, none of the prior art of record alone or in combination teaches the limitations of such new claims. For example, the prior art does not teach an "interaction chamber having two openings". Applicant asserts that new claims 48-52 are allowable.

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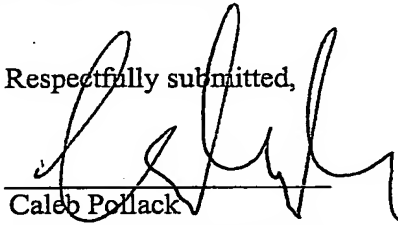
### Conclusion

In view of the foregoing amendments and remarks, the pending claims are deemed to be allowable. Their favorable reconsideration and allowance is respectfully requested.

Should the Examiner have any questions or comments as to the form, content or entry of this Amendment, the Examiner is requested to contact the undersigned at the telephone number below. Similarly, if there are any further issues yet to be resolved to advance the prosecution of this application to issue, the Examiner is requested to telephone the undersigned counsel.

Please charge the \$176 due for the 1 new independent claim 48 (\$86 fee x 1 claim) and the 5 new claims 48-52 (\$18 fee x 5 claims) to Deposit Account No. 05-0649. No other fees are believed to be due associated with this paper. However, if any such fees are due, please charge any such fees to Deposit Account No. 05-0649.

Respectfully submitted,



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Dated: June 17, 2004

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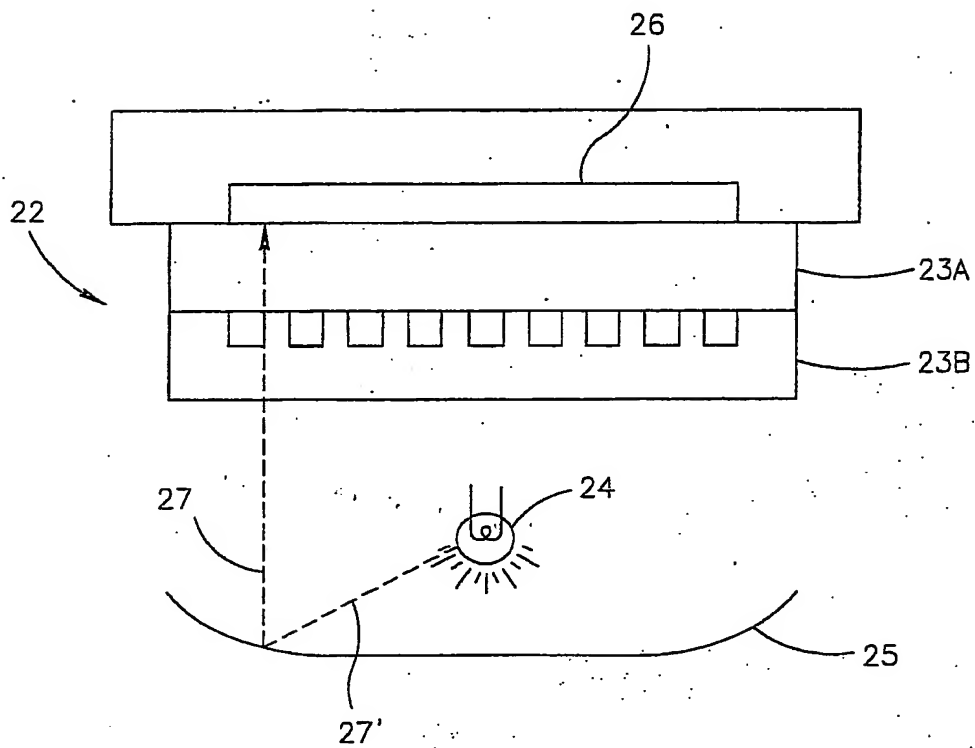


FIG.1